

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-12 are pending in the present application, of which claims 1, 11 and 12 are independent.

**Noted - Priority Document Received By USPTO**

The indication (see Office Action Summary mailed March 20, 2008) that the certified copy(ies) of the priority document(s) has been received by the USPTO is noted with appreciation.

**Noted - IDS Considered**

The indication (see attachments to the Office Action mailed March 20, 2008) that the Information Disclosure Statements (IDS'es) as filed on May 4, 2004 and January 23, 2008 and references listed therein have been considered is noted with appreciation.

**Noted - Drawings Approved**

The indication (see attachment to the Office Action mailed March 20, 2008) that the Drawings (submitted on February 26, 2004) have been approved is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §103**

Claims 1-4 and 6-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohkubo et al. (US Pat. 6,212,677, hereinafter Ohkubo) in view of Lewallen (US Pat. 6,385,769, hereinafter Lewallen).

**INDEPENDENT CLAIMS 1 and 12**

As an example, independent claims 1 and 12, as amended recite (among other things) a feature of

... extracting a comment from the computer program specifications that is created on the basis of the computer program source code and added the comment by a user to a predetermined position after the computer program specifications are created;

As will be explained below, at least this feature(s) of claims 1 and 12 is a distinction over Lewallen, and thus over its combination with Ohkubo.

The Office Action admits that Ohkubo fails to teach at least a portion of the aforementioned feature in claims 1 and 12. Hence, the Office Action relies upon Lewallen to make up for such deficiencies in Ohkubo. Specifically, the Office Action contends that Lewallen teaches the feature of creating computer program specifications by the following descriptions:

Bean compiler 300 includes a parser/extractor 304 which, in turn, includes methods that parse and extract code from each Java class. Such a parser/extractor is conventional and may, for example, be similar to a parser used in a compiler which responds to source code by parsing and extracting keywords and other identifiers. From each class, the parser/extractor 304 parses each constructor and each method and extracts any related fields, comments, and parameter names. Using the extracted constructor information, the compiler module 306 creates and compiles a constructor bean such as beans 318 and 320. The compiler 306 also creates a method bean from extracted information for each method in the class, for example method beans 310-316. (Col. 9, lines 12-23);

A routine for generating and compiling code for a constructor bean is illustrated in FIG. 5. The routine starts in step 500 and proceeds to step 502 where the Java class code is parsed. In step 504, the parsed code is examined to extract methods, fields, parameters, and comments. (Col. 11, lines 4-8).

However, Lewallen fails to disclose or teach the feature of claims 1 and 12:

... extracting a comment from the computer program specifications that is created on the basis of the computer program source code, the comment is added by a user to a predetermined position after the computer program specifications are created. (Underlined emphasis added).

Therefore, the above-noted feature(s) of claims 1 and 12 is a distinction over Lewallen. The noted feature(s) also is a distinction over Ohkubo as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Ohkubo as disclosing the noted feature(s).

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 1 and 12 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 1 and 12.

Claims 2-10 ultimately depend from claim 1, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 1-10 and 12 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

#### **INDEPENDENT CLAIM 11**

As an example, independent claim 11, as amended recites (among other things) a feature of

*... extracts a comment from the computer program specifications that is created on the basis of the computer program source code, the comment is added by a user to a predetermined position after the computer program specifications are created;*

As similarly explained above with reference to claims 1 and 12, at least this feature of claim 11 is a distinction over Lewallen, and thus over its combination with Ohkubo.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 11 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 11.

In view of the foregoing discussion, the rejection of claim 11 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below?

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: May 26, 2009

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